

11.07.2024
Ct. No.1
Item No.10
PG/KS

W.P.A.(P) 260 of 2024
Abdul Halim Molla
Versus
The State of West Bengal & Ors.

Mr. Abdul Halim Molla
.....Petitioner (In person)
Sk. Md. Galib
Ms. Sujata Mukherjee
.....for the State
Mr. Debabrata Sardar
Mr. Mrinal Kanti Maity
.....for the Respondent No.9

1. The petitioner by way of filing this public interest litigation alleges that illegal and unauthorized construction has been effected in Village – Rukhia, Post Office – Gopalpurhat, Police Station – Falta, District – South 24 Parganas, Pin – 743504 and the said land is recorded as Immambara under Mouza – Rukhia, Dag No.138, JL No.61 and the Dag No. 141/477, JL No.61 under Mouza – Rukhia.
2. Therefore, the petitioner has submitted representations and seeks action to be taken.
3. The private respondents submitted that the writ petition is motivated as the petitioner's name is also recorded as one of the owners in the larger extent of property.
4. Be that as it may, the allegation is that the said land mentioned in Dag No.138, JL No.61 and the Dag No. 141/477, JL No.61 under Mouza – Rukhia recorded as Immambara and this issue cannot be adjudicated by

the writ court as it is the revenue authorities, who will have to examine the requests.

5. Therefore, we dispose of this writ petition giving liberty to the writ petitioner to submit a fresh representation along with copies of the earlier representation and the land records and present the same in person in the office of the Sub-Divisional Officer, Diamond Harbour/ respondent no.4 enclosing a copy of this order.
6. On receipt of the same, the Sub-Divisional Officer, Diamond Harbour shall issue notice to the writ petitioner as well as to the private respondents viz. respondent nos.8 and 9 and other persons, who may be interested, conduct an enquiry and dispose of the representation by passing a reasoned order within a period of four weeks from the date on which the representation is presented.
7. With the aforesaid directions, writ petition stands dismissed.
8. No costs.
9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)